



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/363,025	07/29/1999	MASAHITO YAMAMOTO	38.C13711-US	7597

5514 7590 06/25/2002

FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER

LIN, WEN TAI

ART UNIT	PAPER NUMBER
----------	--------------

2154

DATE MAILED: 06/25/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/363,025

Applicant(s)

YAMAMOTO, MASAHIITO

Examiner

Wen-Tai Lin

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-100 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-100 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 July 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5 & 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Art Unit: 2154

DETAILED ACTION

1. Claims 1-100 are presented for examination.
 2. Applicant is advised that should claims 5, 23, 45, 65 and 85 be found allowable, claims 7, 25, 47, 67, and 87 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP 706.03(k).
 3. Claim 4 is objected to because of the claim language in the following claims is not clearly understood:
 - (i) As to claim 4, line 7-8, it is not clearly understood what is meant by "write ... to said data ..." [i.e., should it be: "write ... to said data field..." instead? This is because a piece of data can not be written to another piece of data, unless the latter is overwritten by the former].
- It is noted that the same issue occurs in 24 other claims. Appropriate clarification or correction is required in response to this office action.

Art Unit: 2154

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-100 are rejected under 35 U.S.C. 103(a) as being unpatentable over DAVIDSON Jr. et al (hereafter "DAVIDSON") [U.S. Pat. No. 5550957], in view of YOSHIKI [JP-11110143A].

6. As to claim 61, DAVIDSON taught the invention substantially as claimed including a network system [Fig.1] comprising a data processing apparatus [12, Fig.1] and an office apparatus [13, Fig.1] both connected to a network [col.2, lines 41-43], said data processing apparatus having:

- transfer means for transferring to said office apparatus information including a command train and data [col.1, lines 34-40; col.8, lines 3-16], said office apparatus having:
- reception means for receiving said information [Abstract, lines 1-4; i.e., the office apparatus must have transfer means and reception means in

Art Unit: 2154

order to conduct bi-directional communication with the network computer];

- control means for controlling a processing mechanism of the office apparatus by executing a control program that controls said processing mechanism [Fig.3; col.3, lines 36-45]; and
- execution means for executing said command train to request processing from said control means [31, Fig.3; col.3, lines 55-57].

DAVIDSON did not specifically teach that the information, which comprises the command train and data, is agent information.

However, YOSHIAKI taught a method of using moving agent technique to convey a user's printing demand among a plurality of printers [Abstract]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of DAVIDSON and YOSHIAKI by incorporating YOSHIAKI's moving agent information in DAVIDSON's NPAP protocol, so that the bi-directional communication in DAVIDSON's network printing systems can be further enhanced [DAVIDSON: col.1, lines 52-55].

7. As to claim 62, DAVIDSON further taught that said execution means executes said command train to request from said control means processing that uses said data [col.3, lines 55-67], and wherein:

Art Unit: 2154

said control means controls said processing mechanism to execute processing that uses said data [col.3, lines 46-54; 34-37, Fig.3].

8. As to claims 63-69, DAVIDSON further taught that said execution means executes said command train to determine:

- whether the result of processing by said processing mechanism is an unrecoverable error or a recoverable error [col.4, lines 55-67], wherein:
 - if the result of processing by said processing mechanism is an unrecoverable error, said execution means additionally writes the occurrence of the unrecoverable error to said data ; and
 - if the result of processing by said processing mechanism is a recoverable error, said execution means additionally writes to said data the need to clear the error [col.8, lines 38 – 56, wherein status bits '11' is an unrecoverable error, '10' is a recoverable error, and '00' or '01' represents a normal condition].

9. As to claims 70 - 71, YOSHIAKI taught a procedure for providing choice of alternative printers in case of failure in a particular printer [Abstract].

10. As to claims 72-76, DAVIDSON taught that the office apparatus comprises sending means for communicating the aforementioned printing status to any of the

Art Unit: 2154

hosts [i.e., the external apparatuses] connected to the network [Fig.1; col.1, lines 51-54].

11. As to claims 77 – 80, DAVIDSON and YOSHIKI taught that said processing mechanism is a print mechanism. DAVIDSON and YOSHIKI did not specifically teach that the office apparatus has a plurality of processing mechanisms including image filing and scanner mechanisms.

However, it is well known that a multi-mode office apparatus could provide multiple processing mechanisms for functioning as printer, facsimile and copier, etc. Thus it is obvious to one of ordinary skill in the art that DAVIDSON and YOSHIKI's printer can be replaced by a multi-mode apparatus, while keeping the aforementioned communication protocol intact, thereby providing multiple functions in the same apparatus.

12. As to claims 1-60 and 81-100, since all the features in these claims can also be found in claims 61-80, they are rejected for the same reasons set forth in the rejection of claims 61-80 above.

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Art Unit: 2154

Thomas Walsh, [WO 98/21662], disclosed a mobile agent including mobility of executable codes; and

Kageyama, [U.S. pat. No. 6333790], disclosed a printing system with a total management service for managing a plurality of printers.

13. A shortened statutory period for response to this action is set to expire **3 (three) months and 0 days** from the mail date of this letter. Failure to respond within the period for response will result in **ABANDONMENT** of the application (see 35 U.S.C. 133, M.P.E.P. 710.02, 710.02(b)).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wen-Tai Lin whose telephone number is (703)305-4875. The examiner can normally be reached on Monday-Friday(8:00-5:00) .

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (703)305-9678. The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

(703)746-7239 for official communications;

(703)746-7238 for after final communications; and

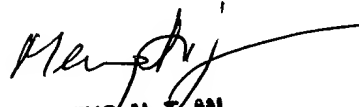
(703)746-7240 for status inquires draft communication.

Art Unit: 2154

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

Wen-Tai Lin

June 17, 2002


MENG-AL F. AN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100